

EXHIBIT W

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE SOUTHERN DISTRICT OF NEW YORK
 3
 4 MARK I. SOKOLOW, et al.,
 5 Plaintiffs,
 6 v. Civil Action No.
 7 THE PALESTINE LIBERATION 04cv397(GBD) (RLE)
 8 ORGANIZATION, et al.,
 9 Defendants.
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 14 DEPOSITION OF NICK KAUFMAN
 15 JERUSALEM, ISRAEL
 16 OCTOBER 20, 2013
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 25 REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243
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I N D E X

1
 2 WITNESS
 3 Nick Kaufman
 4
 5 EXAMINATION PAGE
 6 By Mr. Satin 6, 288
 7 By Mr. Yalowitz 285
 8
 9
 10
 11 D E F E N D A N T S ' E X H I B I T S
 12 NUMBER DESCRIPTION MARKED
 13 Exhibit 404 Document Entitled "Expert
 14 Opinion," by Nick Kaufman,
 15 Advocate, Dated April 10,
 2013 (No Bates Number) 7
 16 Exhibit 405 Document Entitled "Independent
 17 and Impartial Tribunals"
 (No Bates Number) 7
 18 Exhibit 406 Document Entitled "Expert
 19 Opinion, Rebuttal," by
 Nick Kaufman, Advocate,
 20 Dated September 16, 2013
 (No Bates Number) 11
 21 Exhibit 407 Document Entitled "Curriculum
 22 Vitae," by Nicholas Kaufman
 (No Bates Number) 12
 23 Exhibit 408 Hebrew Document, Case 4646/06
 24 (Bates P 11-7:296 to P 11-7:300
 and P 11-7:302 to P 11-7:303) 75
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1 Deposition of NICK KAUFMAN, taken in the
 2 above-entitled cause pending in the United States
 3 District Court, for the Southern District of New York,
 4 pursuant to notice, before BRENDA MATZOV, CA CSR 9243,
 5 at the American Colony Hotel, Executive Room, First
 6 Floor, Jerusalem, Israel, on Sunday, the 20th day of
 7 October, 2013, at 9:05 a.m.
 8
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1 D E F E N D A N T S ' E X H I B I T S
 2 NUMBER DESCRIPTION MARKED
 3 Exhibit 409 Hebrew Document, Case 3459/02
 (Bates P 11-8:121) 105
 4 Exhibit 410 Hebrew Document, Case 3250/02
 (Bates P 11-9:50 to P 11-9:51) 108
 5 Exhibit 411 Hebrew Document, Case 3465/02
 (Bates P 11-1:130 to P 11-1:132) 155
 6 Exhibit 412 Hebrew Document, Case 3465/02
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 7 Exhibit 413 Hebrew Document, Case 3262/02
 (Bates P 11-11:44 to P 11-11:54) 174
 8 Exhibit 414 Hebrew Document, Case 3529/02
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 9 Exhibit 415 Hebrew Document, Case 3739/02
 (Bates P 11-3:301, P 11-3:303,
 10 P 11-3:305, and P 11-3:307) 203
 11 Exhibit 416 Hebrew Document, Case 4646/06
 (Bates P 11-7:117 to P 11-7:171) 221
 12 Exhibit 417 Hebrew Document, Case 4646/06
 (Bates P 11-7:172 to P 11-7:178) 227
 13 Exhibit 418 Hebrew Document, Case 5398/03
 (Bates P 11-12:83, P 11-12:85,
 14 P 11-12:87, P 11-12:89,
 P 11-12:91, P 11-12:93,
 15 P 11-12:95, P 11-12:97,
 P 11-12:99, P 11-12:101,
 16 P 11-12:103, P 11-12:105,
 P 11-12:107, P 11-12:109,
 17 and P 11-12:111) 250
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1 transcribing simultaneously while the litigants and
 2 the judges are speaking; correct?
 3 A. The obligation of a judge is to ensure that
 4 an accurate court record is -- is produced. There is
 5 a mechanism for parties, if they feel that the court
 6 record does not reflect what was said in court, to
 7 request amendments. I did not see -- or sorry. I
 8 cannot remember if I saw any particular request for
 9 amendment.
 10 Q. But those court records, then, are not based
 11 on a court reporter who is in the courtroom at the time
 12 and transcribes verbatim everything that is said?
 13 A. In my experience, there is normally a young
 14 soldier, normally a young female soldier, who sits next
 15 to the judge on his left-hand side. And she types away
 16 everything that is happening during the hearing.
 17 Does it include a verbatim account? To the
 18 best of my knowledge, normally the -- the attempt is
 19 made for it to be verbatim. Of course, reality dictates
 20 that it is not always verbatim.
 21 Q. You'd agree that, in your review of these case
 22 files, there would often be summaries of what the court
 23 said to the parties or what a discussion was that took
 24 place?
 25 A. I can't remember if I saw a summary.

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1 Q. You'd agree that sometimes it would say things
 2 like "the court discussed the rights with the defendant"
 3 or "discussed the issue of representation with the
 4 defendant"?
 5 A. Yes, that is the case. Or "the court had the
 6 indictment read to this defendant." Yes, that occurs
 7 now and again.
 8 Q. It doesn't actually have the words of the
 9 judge. It just has a description of what supposedly
 10 took place?
 11 A. That does occur from time to time. I can't
 12 remember whether it occurred in this case -- in the
 13 21 cases that I reviewed.
 14 Q. And there's no certification that's affixed
 15 to the court records from a court transcriber, saying
 16 this is a complete and accurate description of
 17 everything that was said in this particular court
 18 hearing?
 19 A. There is no such certification. No. It's
 20 assumed, as part of his responsibilities, to correctly
 21 reflect what happens.
 22 Q. And the young woman that you were referring
 23 to earlier is not a certified stenographer?
 24 A. No. She's a soldier.
 25 Q. And the records are in Hebrew; correct?

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1 A. Correct.
 2 Q. And the defendants in these cases spoke in
 3 Arabic; correct?
 4 A. Correct.
 5 Q. So what is written in the record purports
 6 to be a translation of what the defendants said when
 7 the defendants were speaking; correct?
 8 A. It's your word "purport." Those are
 9 translations of what the defendant said.
 10 Q. Well, there's not a certified court
 11 interpreter in the Israeli military court system;
 12 correct?
 13 A. Correct.
 14 Q. In Israeli civilian courts, the interpreters
 15 are certified?
 16 A. I don't know.
 17 Q. And some of the records you received were
 18 clearly missing pages; correct?
 19 A. Some of the documents I received?
 20 Q. Yes.
 21 A. I can't remember. Would you like to produce
 22 something for me?
 23 (Defendants' Exhibit 408 marked.)
 24 Q. BY MR. SATIN: I'm handing you what's been
 25 marked as Defense Exhibit 408.

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1 Defense 408 is a record of a court hearing;
 2 correct?
 3 A. One moment. (Examining.) This is the
 4 beginning of a hearing. Correct.
 5 Q. And this is in the case of --
 6 A. Ibrahim Hamed.
 7 Q. That's Case No. 7; correct?
 8 A. Let me check Exhibit No. 404. (Examining.)
 9 It would indeed appear that that is the case,
 10 although I do remember that -- that there was a problem
 11 with the numbering here. Because the way it appears in
 12 my report is 4696/06. And the transcript that you just
 13 handed as Exhibit 408 carries the number 4646/06.
 14 Q. Sorry. Say that again.
 15 You believe this is a different case number?
 16 You're talking about the court case number?
 17 A. I remember that there was a problem -- my
 18 answer was that I remember there was a problem with
 19 the numbering in this case.
 20 The transcript you've just handed me carries
 21 the number 4646/06, if I refer you to the top left-hand
 22 corner. Some of the transcripts, I remember, carried
 23 a different number, 4696/06, but they actually refer
 24 to the same case.
 25 Q. This court record, though, is the only one

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